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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/623,641	09/06/2000	Francois Rey	11345.026001	4899

22511 7590 04/28/2004

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EXAMINER

MAURO JR, THOMAS J

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 04/28/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/623,641

Applicant(s)

REY, FRANCOIS

Examiner

Thomas J. Mauro Jr.

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-17 and 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20 is/are allowed.
- 6) ☒ Claim(s) 1,2,4-14,16 and 17 is/are rejected.
- 7) ☒ Claim(s) 15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This action is responsive to the amendment (Paper # 7) filed on February 12, 2004. Claims 1-2 and 4-17 remain pending. Claims 3 and 18-19 have been cancelled. Claim 20 has been newly added.
2. Claims 1-2, 4-17 and 20 are presented for further examination.

### ***Drawings***

3. The drawings are objected to because they fail to show the necessary textual labels of the various features in Figure 1. Each element in Figure 1 must be labeled as described in the specification. A descriptive textual label for each numbered element in the figures would be necessary for one to fully understand the figures without substantial analysis of the detailed specification. Any structural detail that is of sufficient importance to be described should be shown and properly labeled in the drawings. See 37 CFR 1.84(n) and (o). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 2143

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1-2, 4-5, 7-12 and 16-17 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,163,316 to Killian.

With respect to claim 1, Killian teaches a terminal for processing digital audio-visual or multimedia data including a data processing system and a memory [**Killian -- Figure 1, Figure 3, Col. 3 lines 7-10 and 50, Col. 8 lines 49-52 and Col. 9 lines 14-15 – JAVA-T.V., i.e. data processing terminal, contains both on-board memory for storage and a database**], wherein the data processing system stores in the memory a plurality of user profiles wherein each user profile comprises user profile data relating to characteristics of a user of the terminal [**Killian -- Figure 3 and Col. 9 lines 10-15 – Viewer profiles, i.e. multiple viewers within a family, are stored in a database**], and wherein each user profile is defined in relation to a connection to an external device [**Killian -- Figure 1, Col. 3 lines 7-12 and Col. 15 lines 5-52 – External device,**

**i.e. VCR is connected to JAVA-TV and allows for recording of programs in accordance, i.e. in relation to, viewer profiles].**

With respect to claim 2, Killian further teaches where each user profile is defined in relation to a mode of operation of the terminal [**Killian -- Col. 8 lines 65-67 -- Col. 9 lines 1-9 -- During one mode, profiles are accessed when T.V. is in electronic program guide, EPG, mode].**

With respect to claim 4, Killian further teaches where each user profile is defined in relation an identity of an operator [**Killian -- Col. 9 lines 15-19 -- Each user in the household would have a separate profile].**

With respect to claim 5, Killian further teaches where the user profile data includes resource data indicating resources within the terminal accessible by the user [**Killian -- Col. 14 lines 42-49 -- Viewing habits of users can be controlled by others, i.e. parents, to block out certain programs or TV. listings].**

With respect to claim 7, Killian further teaches where the user profile data comprises data relating to the attributes of information to be supplied to the user [**Killian -- Col. 12 lines 32-53 -- User can specify in his/her profile, color codes to be displayed in electronic program guide].**

Art Unit: 2143

With respect to claim 8, Killian further teaches where the user profile data comprises data relating to actions permitted by the user **[Killian -- Col. 14 lines 49-61 – User profile, i.e. child profile, could have certain channels blocked during certain times of the day or when certain types of programming are being aired]**.

With respect to claim 9, Killian further teaches where at least one of the characteristics of the user profile data are modifiable during normal operation of the terminal by an operator **[Killian -- Col. 9 lines 19-22 – Non-child viewers of the electronic program guide (EPG) can modify profile at any time during operation]**.

With respect to claim 10, Killian further teaches where at least a portion of the user profile data is predetermined by the data processing system of the terminal **[Killian -- Col. 9 lines 26-29 and 43-46 – T.V. has predetermined templates which are presented to the user]**.

With respect to claim 11, Killian further teaches wherein the data processing system comprises, a virtual machine and an object oriented application interface layer comprising a plurality of class libraries **[Killian -- Figure 2 and Col. 6 lines 6-31 – JAVA implements the system using Java Virtual Machine and supporting classes, i.e. libraries]**.

With respect to claim 12, Killian further teaches a terminal in which the application interface layer comprises a class libraries of a plurality of class libraries defining the operation of

Art Unit: 2143

the virtual machine with respect to the user profile data [**Killian -- Col. 7 lines 49-53 – API allows the construction and modification of viewer profiles**].

With respect to claim 16, Killian further teaches a terminal comprising a decoder adapted to receive data transmissions in a digital transmission system [**Killian -- Col. 3 lines 12-18 and Col. 4 lines 20-38 – Decoder signal processes digital data and integrates television and internet signals**].

With respect to claim 17, Killian teaches a method of operation of a terminal for processing digital audio-visual or multimedia data including a data processing system and a memory [**Killian -- Figure 1, Figure 3, Col. 3 lines 7-10 and 50, Col. 8 lines 49-52 and Col. 9 lines 14-15 – JAVA-T.V., i.e. data processing terminal, contains both on-board memory for storage and a database**] comprising:

storing and accessing in the memory a plurality of user profiles, wherein each user profile comprises user profile data relating to the characteristics of a user of the terminal [**Killian -- Figure 3, Col. 9 lines 10-15 and Col. 16 lines 31-34 – Viewer profiles, i.e. multiple viewers within a family, are stored in a database and accesses view profile to display program listing information in accordance with the profile**], and wherein each user profile is defined in relation to a connection of an external device [**Killian -- Figure 1, Col. 3 lines 7-12 and Col. 15 lines 5-52 – External device, i.e. VCR is connected to JAVA-TV and allows for recording of programs in accordance, i.e. in relation to, viewer profiles**].

Art Unit: 2143

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Killian in view of U.S. Patent No. 5,862,325 to Reed et al.

Regarding claim 6, Killian teaches a terminal along with user profile data [**Killian -- Col. 3 lines 7-10 and Col. 9 lines 10-15 – T.V., i.e. terminal, and user profiles**]. Killian fails to teach priority data indicating a priority of the user with respect to accessing terminal resources. Reed, however, teaches controlling access to the resources of a system based upon a user's priority [**Reed -- Col. 130 lines 52-57 – Users with higher priority are given precedence over other users for access to the resources of a system**].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include regulating access to resources based upon user priority as taught by Reed into the invention of Killian, in order to protect one user accessing a given resource from another user trying to access and take control of the same resource.



Art Unit: 2143

8. Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,163,316 to Killian in view of Applicants Admitted Prior Art (AAPA).

Regarding claim 13, Killian teaches a terminal in which the application interface layer comprises class libraries [**Killian -- Col. 7 lines 49-53 – API contains class libraries for JAVA-TV and profiles**]. Killian fails to teach a library dedicated to memory management of user profile data in the memory of the terminal.

AAPA, however, teaches that such a memory management class library comes standard with object oriented programming architectures, i.e. Java [**AAPA -- Page 16 lines 4-9**].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included this class library for managing memory as taught by AAPA into the invention of Killian in order to allow the program running on the JAVA-TV to access the memory for profiles of different users to display their respective preferences.

Regarding claim 14, Killian teaches the invention substantially as claimed, a terminal in which the application interface layer comprises a user profile class library adapted to define the characteristics of the user profile data [**Killian -- Col. 7 lines 49-58 – API contains a class for constructing viewer profiles, which implicitly contains information that defines what data will be customized and stored for the user**].

*Allowable Subject Matter*

9. Claim 20 is allowed.

10. The following is a statement of reasons for the indication of allowable subject matter:

The present invention is directed towards a system for processing digital audio/video multimedia data which utilizes user profiles defined in relation to certain characteristics of the terminal. The system utilizes a virtual machine and an object oriented application interface layer along with a plurality of class libraries. The allowable claim, i.e. claim 20, identifies the uniquely distinct feature of having a specific user profile class library, which includes a generic class library associated with general characteristics of the profile data and a sub-class library associated with characteristics associated with specific user profiles, i.e. ViewerProfile and RecorderProfile, which provides the tools necessary to define user profiles. The closest prior art, Killian (U.S. 6,163,316) discloses an electronic programming guide system which provides a set of user profiles for controlling the operation of the guide, which is run upon a virtual machine and object oriented application interface layer. Killian, however, does not specifically define a user profile class library including a generic class library and sub-class library associated with specific characteristics of specific user profiles.

11. Claim 15 is objected to as being dependent upon a rejected base claim, but would be allowable if brought up into the independent claim including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

12. Applicant's arguments with respect to claim 17 have been considered but are moot in view of the new ground(s) of rejection.

13. Applicant's arguments filed February 12, 2004 have been fully considered but they are not persuasive.

(A) Applicant argues that Killian does not disclose that each user profile is defined in relation to a connection to an external device, whereas newly amended claim 1 calls for this limitation.

In response to argument (A), Killian does teach that user profiles are defined in relation to a connection of an external device. As is shown in the rejection above, Killian teaches that the user profiles work in conjunction with both the television and also with the VCR, i.e. an external device. Col. 15 lines 5-52 describe how a VCR is used in accordance with, i.e. in relation to, viewer profiles to record various programs. For example, if the system has multiple viewer profiles stored, recorder will record certain programs which it believes matches the profile for that user. During patent examination and prosecution, claims must be given their broadest reasonable interpretation. *In re Van Geuns*, 988 F.2d 1181, 1184, 26 USPQ2d 1057, 1059 (Fed. Cir. 1993); *In re Prater*, 415 F.2d 1393, 1404, 162 USPQ 541, 550 (CCPA 1969). Giving the instant claims their broadest reasonable interpretation, "profiles defined in relation to a

Art Unit: 2143

connection to an external command” is broad enough to read on the user profiles in accordance to an external device, i.e. a VCR of Killian. The Examiner accordingly demurs to this assertion because Killian’s profile do in fact relate to an external device, namely a VCR.

### ***Conclusion***

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Mauro Jr. whose telephone number is 703-605-1234. The examiner can normally be reached on M-F 8:00a.m. - 4:30p.m..

Art Unit: 2143


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on 703-308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



TJM

April 23, 2004



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